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Contents:—

1. See Opposite.

2. Waldo, O.H. Credit Mobilier and Back Pay Bill.— Review of Sen. Carpenter's Janesville Speech, etc. n.p. c18

Carpenter
1873.

Carpenter on Back Pay Bill.

SPEECH

—OF—

Hon. MATT. H. CARPENTER,

ON THE

Back Pay Bill;

DELIVERED

At Janesville, June 26th, 1873.

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SPEECH

—OF—

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ON THE

BACK PAY BILL.

Delivered at Janesville, June 26th, 1873.

The forty-second Congress passed an act increasing the salary of the President, Members of the Cabinet, Judges of the Supreme Court, and Members of Congress; and the act provided that the forty-second Congress, should receive the same pay that was fixed for subsequent Congresses. I gave this act not only my vote, but my cordial and conscientious support. And at the request of a large number of your citizens, I have appeared before you this evening to give the reasons which induced me to support this measure.

Contrasting the friendly terms in which your letter disapproved of my course, with the angry and unreasoning vituperation of the press, and standing to-night before an intelligent audience inclined to enquire before they decide, and hear before they condemn; I can appreciate, as never before, the satisfaction of Paul, who after having been buffeted before subordinate magistrates, came at length to the seat of Kingly power, and was informed that he could speak for himself.

Before coming to the precise point I intend to discuss, let me refer to the abnormal condition of things existing in Washington and

throughout the country last winter, which in my belief has caused the uproar which followed what is so courteously styled,—"The back pay steal." I refer to the *credet mobilier investigation.*

If any one had gone in 1861 to meet our troops as they were flying in rout and confusion from Bull Run, and had told them that they were simply in a panic; that the rebels were really whipped; that no emeny was pursuing them; that all they had to do was to stop running themselves to death, and sit down on the grass and cook their supper, it is likely that he would have been run over and trodden under foot by our retreating soldiery. Yet every one now knows that such was the case, and that our army was fleeing in hot haste from adversaries which existed only in their own excited imaginations. A very sagacious friend of mine, himself an editor, has told me that the same fate will overtake me if I attempt, *just now*, to stem the current. He says the press has taken its position, and if I should succeed in showing that they are wrong, they would be a hundred times more angry than they now are; and that any attempt to justify what the press has so unanimously condemned will only have the effect to call forth increased denunciation. This may all be so, but I do not believe it. There is a time for all things; a time to rant, and a time to reason. Of ranting we have had *more than enough;* some one must incur the danger of attempting to reason, and I may as well suffer as another.

Panic results from the infirmities of human nature. It is the sudden rebellion of fear against the authority of reason. In a panic men will slay their best friends, destroy themselves; from the best of motives commit the most shocking of crimes. In a panic Athens condemned Socrates to death by hemlock; and Jerusalem led the Saviour of the world to the agonies of crucifixion. Panics are not confined to military operations; civil communities often have their Bull Runs.

One notable illustration was the panic which seized the people of London, and of all England in regard to the supposed Popish plot. Taking advantage of the excitement, an infamous wretch, by the name of Titus Oates, thinking he could see meat and drink, coats and pantaloons in it, of all which he was very short, emerged from obscu-

rity and pretended to make revelations against innocent men, upon which they were indicted, tried, convicted, drawn and quartered. Oates was lionized, received public ovations, and was regarded as a great benefactor and patriot. But after the excitement began to cool, and men began to reason, the plot was found out to be a wicked invention; Oates was ascertained to be an imposter, and was convicted of perjury and whipped at the cart's tail through the streets of London by a judgment of the same court, which, upon his perjured testimony, had condemned scores of innocent men to the gallows and the grave.

The panic of last winter was less tragic, but not less remarkable. The devil is styled the Prince of the air; he has been a long while observing things; has seen generations come and go, empires rise and fall; and must understand human nature pretty well. If there be any truth in the conceit of Coleridge, that the devil sometimes comes down,

"To visit his snug little farm, the earth,
"And see how his stock goes on;"

I know of nothing more likely to excite his mirth than the Credet Mobilier investigation. And the gravity of even his Satanic Majesty must have been overcome completely when the drama had become so cast, and the characters so completely jumbled and transposed, that Fernando Wood,—*affecting a virtue if he had it not*,—stood forth as the impeacher of Schuyler Colfax, a man, the latchet of whose shoes, upon any general average of public virtues, Fernando Wood is not worthy, stooping down, to unloose.

Now what was the *Credet Mobilier?* or, as it was frequently called, *the credit more billious*. The very name of this monster, so variously pronounced, and meaning so few knew what, cast suspicion upon all its transactions. If it was an honest thing why was it not called by an honest, Saxon, name? Such a monstrous appellation must designate something dreadful. Many seem to think that it is a kind of infernal machine, which reaches its iron hand under the vaults of the Treasury, and takes out gold eagles by the bushel to scatter among members of Congress. Now, if it will not make your blood run cold, and your hairs stand on end, I will tell you just what the

Credet Mobilier was, and show you that it has never taken one dollar from the Treasury, nor defrauded the goverment one cent; and that the panic which has thrown forty millions of people into convulsions, is all about nothing at all.

When the slave states seceded and raised an army to overthrow the government, it became evident to all, that the union, the unity of these states, had reached a fearful crisis. Now that we have passed the danger, and find our feet once more upon firm ground, it requires an effort to recall the fears that then distressed the most sagacious of our public men. Whether the South would be recognized by foreign powers; whether the war would be sharp and short, or long drawn out; whether the people would endure the burthen of taxation, and the draft of man necessary to put down the rebellon, were questions of mighty import. Among the difficulties which surrounded us, was the danger that the Pacific slope might go with the South, or secede and attempt to establish an empire of its own. Those States lay far distant from the centre of our country. They had no communication with us except over thousands of miles of desert, or around Cape Horn, or across the peninsular. California had belonged to Mexico. Her people's views in many respects differed from ours. They never did submit to a paper currency, even during the war. Gold was their medium. There were many reasons to fear that in a general convulsion and long war, the Pacific slope would slide out of the Union, or attempt to do so. This would have extended the theatre of war from ocean to ocean, have compelled us to send large armies to the Pacific coast, and have increased enormously the expenses of the war. These fears may have been exaggerated, or altogether without foundation, yet they were entertained. And beyond doubt the most effective way of guarding against the danger was to draw those States nearer to us; identify them with us in interest; afford them facilities for intercommunication and mutual commerce. And to this end the project of a railroad to the Pacific was entertained, and its execution undertaken. All that the government has paid or given or can lose on account of these roads does not equal, nor half equal, the cost of a single summer campaign to hold those States in the

Union. These roads have already resulted in a saving to the government in the matter of transporting troops, supplies and mails, and the cessation of Indian hostilities in consequence of the building of the roads, far exceeding all that the government has given or can ever lose, on account of the roads. Without estimating perils past, or hopes of the future, the increasing commerce of Asia to be carried through our country, and all that which figures cannot express, facts, and figures capable of arithmetical calculation, demonstrate the wisdom of the government in building these roads.

How were these roads built? Such a gigantic enterprise to be executed in the midst of civil war called for governmental aid; and Congress by the act of July 1, 1862, granted lands so much to the mile, and loaned the bonds of the United States to the amount of $16,000 per mile, reserving a lien, in effect a mortgage, upon the roads to secure the payment of the bonds at their maturity, together with such interest as the United States should have paid on the bonds prior to their maturity. The act also provided, that "all compensation for services rendered for the government, shall be applied to the payment of said bonds and interest until the whole amount is fully paid. * * And after said road is completed, until said bonds and interest are paid, at least five per centum of the net earnings of said road shall also be annually applied to the payment thereof."

The companies were unable even with this aid to build the roads; and Congress by the act of July 2d, 1864, granted further aid, by postponing the lien of the government in favor of a mortgage and bonds to be made and issued by the companies, to the amount of $16,000 per mile; and by section five of the act provided, "that *only one-half* of the compensation for services rendered for the government by said companies shall be required to be applied to the payment of the bonds issued by the government in aid of the construction of said roads."

This was undoubtedly a very liberal donation and concession on the part of the government; but it was made; and made because it was believed that the roads could not otherwise be constructed; and there is no pretence that any member of Congress voted for either of these laws from corrupt or improper motives. The laws were passed

by the votes of the best men in the country, actuated no doubt, by the highest and most patriotic motives.

Now what was the contract between the government and the railroad companies? simply this: the companies were to build and equip the road, and for doing so were to receive the lands granted, and the bonds of the government to the amount of $16,000 per mile, payable in thirty years; and the companies were bound to pay at the maturity of the bonds, that is, in thirty years, the amount of the bonds and all interest which the government should have paid on the bonds up to the time of their maturity, and one-half of compensation for transportation done for the government, and five per cent of the net earnings of the roads after their completion, to be applied to the payment of the bonds and interest. Simply this and nothing more. Now what has been done? The companies have built the roads to the satisfaction of the government, and received the bonds. One-half of the compensation of services rendered for the government, has been withheld by the government, and if there has been any nett earnings of the roads since their completion five per cent of it has been or is to be applied in payment of the bonds. Simply *this*, and nothing more. As the bonds have not yet matured the companies are not yet liable to pay the government, beyond the one-half compensation for services rendered for the government and the five per cent. of nett earnings. The government has got precisely what it contracted for, and the companies have received only what the government agreed they should receive. *Now where is the fraud*? If I contract with a builder, to erect me a house, and agree to give him forty acres of land, and loan him a thousand dollars for ten years at seven per cent; he does build the house, I deed him the land, loan him the money on his note payable in ten years, am I defrauded by doing what I agreed to do after he has done what he agreed to do?

But one of these companies instead of building the road itself, contracted with a corporation, created by the laws of the State of Pennsylvania, to build the road. The contractor corporation had nothing to do with the government. It was simply the agent of the railroad company. As fast as the railroad company built the road or caused it to be built, it received the bonds from the government, as

the act provided it should. When the road was completed and equiped, it was wholly immaterial to the government whether the railroad company had employed laborers and done the work, or sub-let it to a contractor to do; the government, in either case, was bound to deliver the bonds to the railroad company, and what the railroad company did with the bonds after receiving them from the government; whether it gave them away, or permitted them to be stolen, was not a matter in which the government was at all interested. Suppose the railroad company had completed the entire road at a cost of only $5,000 per mile, it was entitled to the $16,000 bonds. If the cost of completing the road had been $25,000 per mile, still the company could have received but $16,000. In other words, the contract between the government and the railroad company was this: The company was to build and equip the road to the satisfaction of the government. For doing this the government gave the company so much land, and loaned the company $16,000 per mile for thirty years. The loan, principal and interest to be re-paid by the company at the expiration of the time. Or, what was equivalent, the government delivered its bonds, which the company could sell immediately for cash, and which the company were to pay at maturity of the bonds, together with the interest which the government should, in the mean time, have paid on its own bonds. Now what is the matter? The company has built the road to the satisfaction of the government, the government has accepted the work and delivered its bonds. All this was agreed upon, and this, and only this, has been done.

But you may say, this is all right, but what has it all to do with the Credet Mobilier? Why simply this, the corporation with which the railroad company contracted to build the road for it, was called the Credet Mobilier. That is all.

But you may ask, did not the Credet Mobilier cheat the railroad company? I answer, I don't know, and I don't care. If the railroad company has any complaint against the Credet Mobilier, let it make its complaint and seek its remedy. The government has no cause of complaint against the Credet Mobilier, because the government never had anything to do with that corporation, damned by its mysterious name.

Suppose you contract with a builder to build or cause to be built a certain house on a certain lot, according to stipulated specifications, within six months, for which you agree to give him forty acres of land and loan him $10,000 on his note for ten years. Then suppose your contractor sub-lets the contract, and the sub-contractor builds the house to your entire satisfaction; you accept it, deed the forty acres, and loan to your contractor the $10,000 on his note for ten years. Then suppose it should come to your knowledge that your contractor had been cheated by his sub-contractor. Would you consider that that was any business of yours. Would any lawyer tell you that you could bring a suit to redress the wrong which your contractor had suffered at the hand of his contractor, but which had in no way affected you. Again suppose that while you thought your contractor had been cheated by his sub-contractor, your contractor should not think so; would you still feel called upon to institute a suit to settle a wrong between two other men, when they agreed that no wrong had been committed, and it was certain that you had suffered no wrongs? That would be the precise case we are considering. The Union Pacific Railroad Company is a debtor of the government, the debt not yet matured. The government says its debtor has been cheated by an outsider, the Credet Mobilier, and so it is proposed to bring suit in name of the government to settle matters between this railroad company and the Credet Mobilier, both of those companies agreeing that there is nothing between them requiring settlement. The fact I believe to be this: that when the Union Pacific Railroad Company contracted with the Credet Mobilier, or made the contract under which the Credet Mobilier finally constructed the road, all parties were laboring under a misapprehension as to the cost of building the road. It was supposed that it would be very expensive to construct a road over the Rocky Mountains, and the contract was made in this belief. But it turned out that the Rocky Mountains were only a succession of inclined planes, and when the mountains were reached they were passed. Here was the source of profit made by the Credet Mobilier. It was the ordinary case of a contract which turned out not to be as difficult to perform as both parties supposed it to be when it was entered into. But what has the government to do with this? Had the actual cost

of the road been greater than was expected, the Credet Mobilier would have lost, as it happened to be less, it made. But the government, paid only what it agreed to pay for the road, and had and has no interest in the matter as between the two companies.

But you may say, if this is all so, what is the meaning of the great suit in the name of the United States against mankind in general, just commenced by the attorney general, about which the news papers are so joyous. I will tell you, the secret is this, Congress has less nerve, and when in a panic, less sense of justice, than an equal number of "*Schoolmarms*," assembled in convention. And during the panic of last winter, anything that looked like worrying the Credet Mobilier or anybody else, found cordial support Congress directed a suit to determine,

1. Whether the United States should do what it had agreed to do; and

2. To determine everything else in which it had no interest whatever.

And the attorney general has entered upon this holy crusade; with what result we shall see when the courts pass upon the case. The suit has no parallel in the judicial annals of any civilized country; and the real question to be determined is, whether the courts are as weak in a popular storm, as congress has shown itself to be.

The Credet Mobilier investigation of last winter has left a stain upon the nation; and cast a gloom over those who believe in mans capacity for self government. The freedom of the press is indispensable to free institutions; and yet it seems as though the freedom of the press was the only freedom left in this country; it seems as though the freedom of the press was absolute despotism as against everybody but the press. The press frightened Colfax and Patterson into the idea that to own Mobilier stock was crimnal; and they appear to have rushed into the effort to disprove their ownership. The proof convinces all men that they were mistaken, and the uncharitable that they intended to prevaricate; and so these men who had before the investigation done nothing worthy of censure are "whistled down the wind," wrecked and ruined forever, and forty million of people are stampeded with apprehension and alarm. Had these men faced

to the front and said, "yes, we had this stock, and had a right to have it," that would have been the end. No man can say that there is any wrong in owning stock in the Credet Mobilier Company more than in owning stock in a national bank, or in owning sheep, while congress may lay a tariff upon wool. If the stock was given as a bribe, that was a crime, but no one pretends this. The men who were injured by the investigation fell victims to their moral cowardice, and the people were thrown into a panic for absolutely nothing.

I have dwelt thus long upon this subject, not because I have any interest in defending the Credet Mobilier, but because I believe the misapprehension in the public mind upon this subject is the cause of the censure which has been poured upon the salary bill. The people have been told that every man in public life is a thief, and every public act corrupt. If it can be shown that the Credet Mobilier has not endangered our national life, then the way is prepared to discuss the back pay question, unprejudiced by the supposed Credet Mobilier wickedness.

I now come to the particular subject you desire me to discuss, the question of

BACK PAY.

A Wisconsin newspaper, speaking of those who supported this measure, says:

"The miserable thieves were in the humor to rob a baby of its coral, and nothing could shame them. What right have they to raise their wages at the end of the term, or at any time? They are public servants. Have other servants such rights? The whole thing is so outrageous, so monstrous, that it is hard to speak of it with calmness or moderation."

The writer of this paragraph seems to have advanced about as far in christianity as the pharisee had in the religion of his time. Far enough to be keenly alive to the faults of his neighbors, but not far enough to doubt his own infalibility. He confesses that he could not deal with the subject with calmness or moderation. And yet both calmness and moderation are conditions of mind without which we ought never to judge the conduct and condemn the motives of others; and a judgment formed without moderation, and expresed in the language of Billingsgate, will make no great impression upon the

minds of candid reasoning men, however it might be admired by the Fish-woman who was put to rout and utterly silenced, when the wag called her an Isosceles Triangle.

I may not be able to convince you that the salary bill ought to have passed, or that it is right; but I am greatly deceived if I cannot satisfy you that there are two sides to the question, and that different men may honestly entertain different opinions in relation to it. There are many men who entertain erroneous opinions and make mistakes who are not thieves; and if you should think that the salary bill ought not to have been passed, it does not quite follow that the men who entertain a different opinion are all criminals. The subject, on examination, will be found to be a little broader than seems to have occurred to the editor who entered up such a summary judgment against those who supported it, and to involve many considerations which cannot be properly disposed of, except by an exercise of reason, in calmness and moderation.

It is well known that when the constitution was adopted, great diversity of opinion existed as to the frame of government best adapted to our wants. Many regarded the British monarchy as the best existing government on earth, and consequently desired that ours should be, as exactly as possible, modeled upon that. Especially was it believed that some one department of the government should represent wealth and not the people. Goveneur Morris contended that the Senate ought to represent the property of the country. For instance, if Rhode Island, with 100,000 inhabitants, had twice as much taxable property as Georgia with a million of inhabitants, Rhode Island should have twice the representation in the Senate that Georgia had. In this he was defeated. It was determined that the Senate should represent States. He then made his stand upon the proposition that Senators should receive no compensation; because, he said, if no compensation was paid to Senators, only rich men could sit in the Senate and that none others ought to sit there. No one doubted the correctness of his reasoning in regard to the effect to be produced by paying no compensation to Senators; but he was defeated because the convention did not entertain his belief that the Senate ought to be filled with only rich men. In other words, no one questioned that the means he pro-

posed would produce the end he desired, but the majority did not desire to produce that end. And any one who will examine those discussions, or consider the subject philosophically, will find that the question of compensation, or something less than compensation, for public service goes to the very root of the distinction between monarchy and republicanism. If the people of this country desire to govern themselves, desire that the laws should be made and administered in the interest of the people and not in the interest of capital, they must pay the expense of government. When they get tired of governing, the capital of the country will take the job off their hands, and administer the government without any compensation whatever.

Turn to the British Government. The theory upon which it rests is, that the people ought to have no voice in making the laws; that property should govern. How do they secure this? They pay *no salary* to a member of Parliament. What is the consequence? The House of Commons is the richest body of men in England. A poor man might get the votes; but while he was sitting in Parliament his family would starve, therefore he abandons the field to the rich who can afford it. What is the result? There is not a government on earth which makes such discriminations in favor of the rich; not a government on earth so prodigal of expenses, nor one which lays its hand so heavily upon the poor. Capital is protected and labor taxed without a parallel in any other government. The means adopted are cunningly devised to secure the end desired, the exclusion of the poor from all participation in making the laws.

But there is one department of the British monarchy where the theory is exactly the reverse; that is, the judical department. To the credit of John Bull, be it said, that while he maintains that only the rich should have a voice in *making* the law, yet he admits that the rich and the poor alike should be subject to the law after it is made. Therefore a nobleman who commits murder is as likely to swing for it as a laborer. And how is this impartiality between the rich and poor secured? By the exact reverse of the practice in regard to Parliament. From Parliament poor men are excluded by the refusal of government to pay salaries, but the bench is left open to rich and poor alike, and made equally accessible to both, by the payment of so high a salary to the

Judge as to abolish all distinctions between the rich and poor. It is estimated that a rich nobleman would spend $40,000 a year as Chief Justice of England. Therefore England pays her Chief Justice $40,000 a year, and her other Judges in proportion, with pensions upon retiring. And hence the poorest man in England can sit on the bench, and so the law is administered impartially between the rich and poor.

I am no admirer of the British government; but with all her injustice, with her oppression of Ireland, and the blood that stains her garments in India and her other possessions, yet to her glory it must be said, that in no other nation on earth is the law, after it is made, so impartially applied to all classes of society as in England. Wealth and influence, even noble blood, give no immunity to crime in a British court. The rich and the poor, the nobleman and the peasant, a prince of the blood and a scavenger of London stand on a perfect level at the bar of justice in a British court.

In America, the theory is that the rich and the poor should be on a level in *making* as well as *administering* the laws, and in every respect and particular, so far as the government is concerned. And the fathers, in framing the constitution, took good care to secure this end by providing as follows: "The Senators and Representatives *shall receive* a compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States." Mark the significant and emphatic language of the constitution. It is not provided that the Congress *shall have power* to fix the rate of compensation, nor that Congress may, by law, determine what compensation the Senators and members shall be entitled to receive, but the language is: "The Senators and Representatives *shall receive a compensation for their services*, to be ascertained by law, and paid out of the Treasury of the United States." Suppose a conspiracy to be entered into to-morrow among the millionaires of the Senate, Sprague, of Rhode Island; Zach. Chandler and Ferry, of Michigan; Frelinghuysen, of New Jersey; Hamilton, of Maryland; Jones, of Nevada, and others, not to receive any compensation for their services, and not to associate with or recognize as gentlemen those who should receive any such compensation. Can here be a doubt that such on aristocratical combination to change the

character of the Senate, and force poor men out of its seats, would be a direct and open violation of the constitution, which expressly provides that Senators "*shall receive*" the compensation which is fixed by law? Custom is as strong as law, and social influence may defy the law. The tendency, of late, has been to fill the Senate with men of wealth. And when their numbers shall be increased, a combination between them, like that supposed, might produce a practical revolution of the government, and establish a condition of official life which would make it so uncomfortable for poor men to hold seats in the Senate that they would decline to do so, and give the Senate over to the millionaires of the country. I acquit the honorable gentlemen named of any such intention at present. But it is worthy of notice, that with the exception of Simon Cameron, not a rich man in the Senate voted for theincrease of pay; and I believe that the millionaires of the Senate to-day would rejoice to see a provision engrafted upon the constitution that no Senator should receive any compensation whatever.

It was said by a sagacious man that if he could write the songs of a people he did not care who might make their laws. The laws would have to conform to the songs. It is so with the distinctions which social life may establish. The constitution guarantees to every northern man the right to emigrate to and reside in the south. But social ostracism makes this legal right wholly worthless. So a combination among wealthy men in Congress, especially if they should constitute a majority, might create a despotism under which poor men could not live, which would practically result in giving the goverment into the hands of the rich. Indeed none but poor men are interested in keeping salaries up to the point of compensation. The rich do not desire salaries. If salaries were wholly abolished, only the rich could participate in the government, and this the rich would rejoice at.

I do not charge the rich men in Congress with any bad intention, but I do charge that, for the purpose of making favor with the people, they have surrendered what they can, and poor men cannot, afford to; and have violated the express command of the constitution they

have sworn to support by *refusing to receive* what the constitution expressly declares they *shall receive*, the compensation for their services in the 42d Congress which is fixed by law.

The constitution was designed to prevent the monarchical tendency of permitting public service without compensation, and to establish the government upon the true republican basis of compensation for services. The provisions of the constitution in regard to the President and Judges of the Supreme Court are the same in this respect. The President "shall receive," and the Judges "shall receive," a compensation for their services. Mark again, the constitution does not provide that the President, members of Congress and judges shall receive a *salary;* that is, as the word means, money enough to pay for their salt; but the constitution says they "shall receive a *compensation for their services.*" *Compensation means an equivalent* And rich men, as well as poor men, are commanded by the constitution to receive the compensation which shall be fixed by law. And any Senator who, to purchase temporary popularity, refuses the compensation fixed by law violates the constitution by doing so. If the rich do not receive such compensation, then it will be a mark of poverty for any man to do so. This would establish a caste, a higher order, at once; a rich ring, a combination of nabobs. The constitution prevents this, by declaring that the President, whether rich or poor; the Judges, whether rich or poor, and every Senator and member of Congress *shall receive* the compensation for his services which shall be fixed by law. The constitution says the President *shall receive* a compensation for his services. That he *shall take care* that the laws be faithfully executed. If he may receive compensation or not, he may by the same reasoning see the laws executed or not; one duty is as imperative as the other.

It is a total mistake to suppose that the compensation feature of the constitution is merely the privilege of the officer. It is the poor man's guarantee of the right to participate in the making and administration of the laws; it is the great republican element, the very corner-stone of democratic government.

I stand here to-night advocating the rights of the poor against

the ambition of the rich; I am here to-night to maintain that the son of a poor farmer or mechanic, if he have the necessary qualifications, has as much right to sit in the Senate of the United States as the son or grandson of John Jacob Astor. This right is secured to the sons of the poor by the compensation clause of the constitution. And I am here to-night in the interest of the poor, and in my own interest as a poor man, to denounce any attempt to overthrow, or any cowardice which undermines, the republican dogma of our government, that every public servant *shall receive* the compensation for his services which is fixed by the law of the land.

There is another consideration worth mention in this connection. A spirited man will not permit another to do him any great service without compensation. You farmers would not permit a man to work for you all the summer without compensation, for two reasons; it would be injustice to the laborer; and second, you do not desire to be under obligations you cannot discharge to any man. You would say, I want your services, but I must pay for them or I will not have them. So the people of the United States do not desire to be under obligations which they cannot discharge to their public servants. Therefore the constitution says, and says as emphatically as it says anything, the President, the Judges and the members of Congress *shall receive* the compensation which is fixed by law; they shall not serve without compensation; we will not be under obligations to them.

I am aware that the Senators, who give back their pay seem to be doing a good thing; seem to be doing a favor to the people; that the press of the country is now chanting their praises. I am aware that this monopoly of popularity only the rich can afford to enjoy, and therefore the poor members of Congress who cannot afford to give up their pay are suffering rebuke and censure. To just that extent the rich are exalted above the poor, and the people are injured far more by this than they are benefited by the few dollars which go into the treasury. The path of history is strewn with the wreck of free institutions. The banners and emblems of man's liberties lost. Rarely have the liberties of a people been overthrown by open violence. One despotism may succeed another by force of arms, but republics are overthrown by insidious and sugar-coated innovations; the constitu-

tion violated in what is supposed to be the interests of the people, loses its sanctity, and may be more easily violated again by a demagogue who wishes to be a tyrant. Augustus established a despotism in Rome, by proceeding in the name of the republic, which Julius Cæsar had failed to establish by force. When this matter comes to be understood, as it will some time, I have no fear of the result. The people will not consent that a few millionaires shall undermine their right to participate in the government by depositing three thousand dollars a piece in the Treasury of the United States.

In my opinion there is but one question in all this business, and that is whether $7,500 be more than a just compensation for the services of a Senator or Representative in Congress. I shall, therefore, first consider this question. It is said that $7,500 is a large sum of money, and that there are a great many laboring men who do not see one-half that sum in the whole course of a year. All this is true, but is not quite conclusive of the subject before us. When you are sick and desire a physician; when you are involved in litigation which touches your fortune or your liberty, you do not advertise for the physician or lawyer who will serve you at the lowest compensation. You select the physician or the lawyer whose services you prefer, and expect to pay him what his services are worth. So in selecting a Senator or member of Congress, you fix upon the man you desire to fill that place, and you expect to pay him a reasonable compensation for his services. If you desire to pay only such compensation as will secure the services of a man without regard to his qualifications for the place, $5,000, even $2,000, is thrown away on a Congressman. Three month's advertising along the line of a railroad will secure men enough to occupy the seats in both houses of Congress at three dollars per day. Such an offer made to the laborers on a railroad would induce them to "cut dirt" for Washington faster than they ever cut dirt out of a railroad bank. When you employ a lawyer or a doctor, a bank cashier, the president of an insurance company, or any other person for a particular purpose, you do not inquire what is the smallest sum for which you can employ a *man*, but what is a reasonable compensation for the services of *such a man* as you want in the

particular place. And this is to be determined by ascertaining what the same man could earn if employed by others in the same branch of business.

In 1789 Congress fixed the salary of the president at $25,000 per annum, probably there was no man in the United States, at that time, who had an income exceeding that sum. Things have greatly changed since then, and men can now be found in almost every county whose income exceeds that sum. The most able and sagacious of our business men—the men who conduct the commerce of the country and its largest business operations,—would regard it as a very poor year which did not yield more than $25,000 profit. The expenses of living too have more than doubled since that time. I am aware that it is always replied to this statement, that members of congress ought to live very economically, that they ought to imitate the puritan simplicity of our fathers and live as cheaply as they did. But how many of you practice this wisdom? How many of you live as your fathers lived? Before I was fifteen years of age I never saw a carpet, a sofa or a piano. Now how few of the well-to-do farmer's houses in this county lack these luxuries? This generation spend more for children's toys than our fathers spent in educating us. And a man who should go to Washington and live as some editors demand he ought to live, would simply be the laughing stock of the nation. If you desires your representatives to equal the representatives of other States in influence and power at Washington, then they must live with respect to the habits and customs which are practiced and observed by the representatives of other States; and not to pay a compensation which will enable your representative to live like a gentleman, is, if he be a gentleman, to exclude him from public service, provided he be also a poor man. A rich man as I have said before, may be willing to serve without any compensation; but this would give the government into the hands of the rich. And it is for the people to determine whether, in these days of consolidated corporations and combining capital, they desire to surrender all voice in making and executing the laws; if so, rich men undoubtedly can be found who will serve in Congress without regard to compensation; and then we shall realize

the old theory of the rich taking care of the poor—such care as the wolf takes of the lamb.

Twelve or fifteen years ago, Judge Howe and Colonel James Howe were both practicing law in Green Bay. They were both able and upright men—possessing the respect and confidence of the community in which they resided. Judge Howe went into the service of the government as a Senator at $3,000 per year; Colonel Howe went into the service of a railroad company at $4,000 per year. Judge Howe's salary has been increased from time to time until he now receives $7,500. Colonel Howe's salary has been increased from time to time until he now receives $12,000. I would certainly not say anything against Colonel Howe. He is my friend, and a gentleman whom I greatly respect, and whose services to the corporation which employs him are undoubtedly worth all they pay him; but it is no wrong to Colonel Howe to say that Judge Howe is his equal in every respect and particular; that he is as able and as honest, and possesses in as great a degree the confidence of all who know him. Ten thousand dollars a year is not an unusual sum to be paid to the president or cashier of our largest banks and railroad companies; and yet a Senator is called upon to perform three times the labor, and determine matters involving fifty times the importance at a compensation of $7,500.

I have also heard it said that there were members of Congress who could not earn the same amount of money in any other employment. Conceding this, whose fault is it? If the people of a State chose to send a man to Congress whose best services are worthless to himself and everybody else, that is their fault. The question is what is a fair compensation for the services of a man who is fit to be a member of Congress? Take Alexander Mitchell, O. H Waldo, William P. Lynde, Governor Washburn, or any other man in our State who would be likely to be elected to Congress, and does anybody doubt that these men by application to business could make $7,500 in a year? And that their best services in regard to matters which involve millions of dollars would be fairly worth that sum per year?

There is an impression that members of Congress are making large sums of money. As this is a strictly confidential occasion! !

and I am here in the capacity of a servant to answer to my masters, let me show you how fast I am getting rich by a seat in the Senate. Several years ago I rented the house I now live in for $1,000 a year. It is an unpretending but comfortable home. My office rent in Milwaukee is $250 a year. I am compelled to keep my house and office in Milwaukee or the newspapers would at once say that I had moved out of the State and gone to Washington to reside. All I have in this world is invested in books. I have seven thousand volumes of law books and about eight thousand volumes of political and literary works. On these books I pay an annual insurance premium of about $1,000, and as I never expect to have anything to leave for my family I keep my life insured for their benefit to the amount of $50,000 , on which I pay an annual premium of $1,400. I cannot rent a decent house furnished in Washington short of $2,000, and I am compelled to keep an office there where my constituents can find me, and where I can transact business with them away from the sessions of the Senate. For this office, two small rooms, I pay rent of $900. These items give $6,550 of indispensable expense. There is not a meal of victuals in that sum, no clothing for my family, not a shirt for myself, no school-books for my babies, no carriage hire, no doctors bills, no contributions for the preaching of the gospel, no charities to the poor, no contribution to pay the expenses of Wisconsin office-seekers, who have failed in their application and have to be sent home at the expense of the delegation.

A year ago last winter I went to Washington, about the 15th of November, and remained there for over seven months, laboring incessantly night and day, Sundays and Mondays. The same amount of labor, care and responsibility bestowed upon professional business in my office at Milwaukee would pay $20,000; I received $7,500 for it. But you may ask how it is if I am poor and my necessary expenses exceed my salary, I am able to stay in Congress at all, and I propose to tell you, because I am making a full confession, and a public servant is not permitted to have any privacy; his meats and drinks, his clothing, the shape of his shirt collar, the style of his coat, all are paraded before the public in correspondence and ridiculed in cartoons. In just three causes in the Supreme Court of the Uni-

ted States last year, which I prepared for argument during the summer, at home, I received $10,500, in cash. My clients were satisfied with my services and my charges. They neither called me a thief nor abused me in the press. This enabled me to square my bank account for the year, face bakers and butchers, doctors and dentists, schoolmasters and music teacheas, priests and printers, tailors and shoemakers.

In the celebrated slaughter-house cases which came up from New Orleans, involving the construction of the 14th amendment to the Constitution, my clients paid me a retaining fee of $5,000 before I had done anything, save to write a receipt for the money. And it is from the mere accident that I am a lawyer and can argue causes in the Supreme Court that I am enabled to pay my bills and remain in the Senate. The services which I render on Committees, especially the Judiciary Committee and the Committee on Privileges and Elections, are of the same kind as those rendered by a lawyer. They involve the examination of legal questions, the drafting of reports and opinions in matters involving millions of dollars and requiring great study and labor; and it must be quite apparent to any fair-minded man that a lawyer who can receive two or three thousand dollars for the argument of a single important case, ought, by devoting the same energy and labor to the business of the people for months, to be able to earn $7,500.

If you are satisfied that your present delegation do not fill the bill of public service, do not attend to your interests and acquit themselves reputably, then you ought to dismiss them, and send those who can and will; but the men who can and will, can and will earn $7,500 a year.

But it may be said, if I have a house in Milwaukee, why not leave my family there? Why hire a house in Washington? If you are to have a healthy administration, it must be at the hands of men living in a healthy and normal condition. The laxity of life is restrained by the supervision of a wife, and the heart is kept alive to the better feelings of our nature by the sweet voices and the tender touch of children. Members of Congress will have families in Wash-

ington. It is better that they should have *their own*. But you may say, why not board in Washington? I tried that two years; I boarded at Willard's hotel, and for three small rooms and our meals I had to pay $400 per month. This is more expensive than house keeping. True economy would be to buy a house there, which might increase in value, so the rent would cost nothing. *But only the rich can be economical.*

The calls made upon a member of Congress for charity are incessant. Calamaties resulting from the war have thrown hundreds of poor people upon Washington from all the States. The day I left Washington an old Wisconsin woman, fifty years of age and a widow, who has been struggling for years to take care of four children, came and informed me that her little girl 12 years old was dead. She had been sick three weeks. The doctors bills and medicine had exhausted her scant store, and she had not a dollar to bury her child. I inquired what the funeral would cost; she said she would get along decently with $30. I thought that reasonable enough, and gave her the money—out of my *back pay*! ! Calls upon your sympathy you cannot resist are almost dailymade; and I have always regarded myself as one of the disbursing agents of Providence; and the money I have earned I have shed, as the rains of heaven fall, upon the just and the unjust, the evil and the good. I will enter into a contract with any man to pay my charities for the two years I have to remain in the Senate, and pay him $500, a year to do so; and I will venture the prediction, that at the end of the term he would need back pay to square his accounts.

But I pass from this point because I do not understand that any serious objection is made to the sum which is fixed by the late act of Congress. So far as I have seen the criticisms of the press, it is admitted that the sum fixed is reasonable enough; but the objection made is that the 42d Congress voted that sum to themselves. In other words, the objection is not to the pay, but to the "*back pay*," as it is styled.

It is said that when a man is elected to Congress, his acceptance of the office amounts to a contract that he will serve for the period

for which he is elected at the pay fixed by law, and hence that it is dishonest for a Congressman to vote to increase his compensation for that term. If the premiss can be maintained, the conclusion is irresistable. Let us, therefore, see upon what ground this supposed contract rests. It certainly finds no warrant in the constitution, and I shall show that it has no support by the precedents.

The constitution provides that members of Congress shall receive a compensation for their service, to be ascertained by law, to be paid out of the treasury of the United States. When the first Congress assembled, one of the absolute duties imposed upon them was to fix their own compensation. The constitution declared that members should "receive a compensation." It also declared that such a compensation should be "fixed by law." Congress could receive no compensation until the law was passed, and Congress alone could pass the law; and whether they passed such a law on the first or last day of their session could make no difference. They might have fixed upon a sum, on the first day of the session, estimated to be sufficient compensation, and thereafter have increased or diminished it as they thought proper; or they could wait until near the close of their term and then fix the compensation once for all. When the second Congress convened, they were as competent to fix their own compensation as the first Congress were to fix theirs. It is a well settled principle that no legislative body can bind its successors, and that any Congress may alter, amend, or repeal any law of a former Congress; and whether this be done on the first or last day of their term must be wholly immaterial; and the same thing may be said of every Congress from the first to the last. If the 42d Congress had, on the first day of its session, passed a law fixing the compensation of Congressmen at $7,500, it would not have been objected that it was voting back pay, and yet the result would have been precisely the same.

Each Congressman would have received the same and the government would have paid it. It is, therefore, practically immaterial whether the bill was passed on the first or last day of the session. If you were to employ an agent to take charge of your business abroad, with the distinct agreement that he might take from your

funds whatever he thought he was entitled to for his services, and that if he was not satisfied with the sum at first fixed by him, he might alter or change it at any time during his term of service, you would hardly be justified in calling him a thief if he should do what you had agreed he might do. And yet this is precisely the case under consideration. The law which fixes this compensation is like every other law subject to amendment at any time. This is a constitutional certainty.

There can be no contract express or implied that Congress shall not do what the constitution expressly declares it may do. Such a contract, if made and reduced to writing, would be absolutely void; and any member of either House might be, and ought to be expelled, who should take his seat under a promise not to vote according to his judgment or conscience, upon any question over which congress has constitutional jurisdiction, and which might be brought forward for determination. No lawyer, no layman with a particle of sense, will deny that the constitution expressly authorizes members of congress to fix their own compensation and to alter the amount at any time, every day if they chose, during their term; for the simple reason that they may alter the law every day, and the law determines the compensation. And to say that there is any other contract between a representative and his constituents, than is contained in the constitution, or that there can be a contract which contravenes the constitution is simply absurd.

A proposition was once submitted to the states to prevent congress from fixing its own pay, and was rejected by nine states and adopted by only four. The reason being, that one congress might fix the pay of another so low as to prevent its sitting at all. A party, defeated at the fall election. might in spite and anger do injustice to the next congress to be composed of men of the other political party.

But not only would such a contract if actually made be both void and criminal, but there is not the slightest foundation for the assertion that such a contract is even implied. Had the practice of the government been well established that no Congress should increase its own pay, though it might increase the pay

of subsequent Congresses, then it might be said that such was the understanding of the people when a particular Congress was elected. But the fact happens to be exactly the reverse. There has never been an increase or decrease of pay that did not apply to the Congress voting it. So that the implied contract is—not *that* each Congress shall not—but that they may, if they think proper, increase their own pay. This can be made very plain by referring to the precedents. The pay has been increased several times, and once decreased. It was raised from $6 per day to $1,500 per year. Immediately after the war of 1812, when the country was very poor and greatly embarrassed, it was objected that $1,500 was too large a compensation. The Congress which had been elected while the law fixed the compensation at $1,500 reduced it to $8 per day Upon the theory now maintained, that Congress would have been justified in drawing $1,500 themselves, and reducing the pay of the next Congress to $8 per day; because they had been elected when the salary was $1,500; but they did not so understand their duty. They understood it to be their duty to fix a reasonable compensation; and they thought under the circumstances of the country, $8 a day was sufficient; and they applied the reduction to themselves as well as to succeeding Congresses.

By the act of August 16, 1856, the compensation of Congressmen was increased from $8 per day to $3,000 per year; and was applied to that Congress; that is dating back to March 4th, 1855, nearly 18 months. The pay was again increased from $3,000 to $5,000 per annum, by the act of July 28, 1866, and applied to that Congress; that isdating back to March 4th, 1865, nearly 16 months. In both these cases the increase of pay was somewhat criticised by the press, but in neither case, so far as I am aware, was any objection made because the pay was applied to the Congress which voted it. It is too clear to require elaboration that there is no difference in principle between voting back pay for 16 or 18 or 24 months. If the doctrine, now contended for, that a member of Congress is under contract not to increase his pay beyond the amount fixed by law at the time he was

elected, be sound; and if it be true, as now contended that any member who takes back pay is a thief, then every man who voted for or against back pay in any former Congress, and afterwards received such back pay, is also a thief. *"Thou shalt not steal"* is a continuing command; and whatever amounts to stealing now has been stealing ever since the government was established. Is any man quite bold enough to denounce the men who in our past history have done this thing as thieves? Will any candid man brand them as receivers of stolen money? If so there is one consolation for the members of the last Congress; although we are thieves we are only thieves as all our fathers were, and therefore not *degenerate sons.*

But before we pass this hasty judgment let us see for a moment who were the men, who in 1856 and 1866, received back pay. In 1856 every Senator received the back pay which was authorized by that act. The Senators from New Hampshire were John P. Hale and James Bell; Massachusetts, Charles Sumner and Henry Wilson; Vermont, Solomon Foot and Jacob Collamer; New York, Hamilton Fish and William H. Seward; Delaware James A. Bayard and John M. Clayton; Kentucky, John B. Thompson and John J. Crittenden; Tennesee, John C. Jones and John Bell; Ohio, Benjamin F. Wade and George E. Pugh; Illinois, Stephen A. Douglas and Lyman Trumbull; Maine, Hannibal Hamlin and William Pitt Fessenden; Michigan, Lewis Cass and Charles E. Stewart; Texas, Thomas J. Rusk and Samuel Houston. Wisconsin, Henry Dodge and Charles Durkee.

In 1866 the members of the Senate who received the back pay voted by the act of that year, include the following names: Illinois, Lyman Trumbull and Richard Yates; Indiana, Henry S. Lane and T. A. Hendricks; Kentucky, Garrett Davis and James Guthrie; Maine, Lot M. Morrill and William Pitt Fessenden; Maryland, Reverdy Johnsonand J. A. J. Cresswell; Massachusetts, Charles Sumner and Henry Wilson; New Hampshire, Daniel Clark and A. H. Cragin; New Jersey, William Wright and John P. Stockton; New York, Ira Harriss and E. D. Morgan; Ohio, B. F. Wade and John Sherman; Oregon, J. W. Nesmith and George H. Williams; Rhode Island Henry B. Anthony and William P. Sprague; Vermont,

George F. Edmunds and Luke P. Poland: Michigan, Zachariah Chandler and Jacob M. Howard; Minnesota, Alexander Ramsay and Daniel Norton; Wisconsin, James R. Doolittle and T. O. Howe. Is there any man here this evening quite willing to brand these men as thieves or the receivers of stolen money. In 1866 the delegation from Wisconsin in the House, consisted of C. C. Washburn, I. C. Sloan, Philetus Sawyer and Walter D. McIndoe. Mr. Washburn voted for the bill; Philetus Sawyer against it; Sloan and McIndoe did not vote. All four received the back pay voted by the bill. Is there any man here to-night willing to brand Governor Washburn as a thief? Willing to declare that Sloan, McIndoe and Sawyer, were the receivers of stolen money? If the names above mentioned are not cherished, and hallowed in American history, upon what names rest the halo of American glory? The men who have stood by principle, the men of both parties who are most esteemed and whose memories are most cherished are found in this list of men who received back pay. Therefore to brand the receiving of back pay as the receiving of stolen money, is to brand those in whom we glory as thieves. If Hale and Bell, Sumner and Wilson, Foote and Collamer, Fish and Seward, Stockton and Wright, Bayard and Clayton, Thompson and Crittenden, Jones and Bell, Wade, Pugh and Sherman, Douglas, Trumbull and Yates, Hamlin, Fessenden and Morrill, Cass and Stuart, Rusk and Houston, Dodgee and Durkee, Lane and Hendricks, Davis and Guthrie, Morrill and Fessenden, Johnson and Cresswell, Wright and Stockton, Harris and Morgan, Wade and Sherman, Nesmith and Williams, Anthony and Sprague, Edmunds and Poland, Zack Chandler and Jake Howard, Ramsay and Norton and T. O. Howe are all thieves, or the receivers of stolen money, then he who steals, or receives stolen money must be admitted to be in most excellent company; and if driven to make my election I should prefer to be classed with those, *rather than with their present accusers.*

This list of those heretofore supposed to deserve well of their country, and to have added to its glory, but who are now *branded as thieves,* or the *receivers of stolen money,* might be increased

by referring to the members of the House of Representatives, for these two years; which I have not done, except to the members from our own State. All the members of the House in 1856, and 1866, received their back pay, except one, who, it is said, went home to his constituents, and ran for re-election, principally upon the ground of his merit in refusing back pay. He was defeated; and it is said, afterwards returned to Washington, and attempted to draw his back pay, but fonnd that he was too late.

I am very happy to have my colleague (Judge Howe's) permission to say to you to-night, that although he thought it was not best to pass the increased salary bill at the last session, and therefore, voted against it; yet that he believes $7,500 is not above a fair compensation for his services; that he has drawn the money, and sees no reason for returning it. Although Judge Howe voted against the bill, and I voted for it, the only difference of opinion between us, was, that he thought that the last session was not a favorable time to do right; I believed, as I have always believed, that it was right to do right at any time, and always.

But upon what principle, if $7,500 be no more than a fair compensation for the services of Senator or Representative in Congress, which is generally conceded, and very easily proved; upon what principle of justice or equity can the people deny that compensation to the 42d Congress? It has been said, I know, that their services were rendered upon a contract. I have tried to show that proposition unsound. But conceding its soundness, suppose you had hired a man to labor for you through the summer, at $12.00 per month; but at the expiration of his term of service, you were perfectly satisfied his services had been worth $15.00 per month. True in such a case you could not be *compelled by a Court* to pay more than the stipulated compensation. But could you as an honest man turn him from your farm with less than what you believed his services had been fairly worth? Could you take advantage of his contract to do him injustice, and still *preserve your self respect.* Could you do so and say that you had done *unto him as you would wish him to do to you under similar circumstances?* Suppose you *can* compel a man to labor for

you at less than a fair compensation for his services, *is it honest to do so?*

The slaveholder of the South did nothing more. He had the power to compel his slave to work without compensation; the law of the state gave him that power, He exercised it, and enjoyed the fruit of uncompensated toil. The world denounced it as a wickedness. How in principle these two cases differ, except that in one case the power to do wrong was conferred by *law* and the other by *contract*, I leave to casuists to settle.

That portion of the press, now employed in attempting to convince people that those who supported the salary bill of last winter, are thieves, are parading the letters of Senator Bayard, Vice-President Wilson, General Farnsworth, Clarkson N. Potter, and others, in confirmation of their theory.

Clarkson N. Potter, was, I believe, the first member of Congress who turned out to be too virtuous to receive his back pay. He is therefore entitled to conspicuous mention. Clarkson N. Potter is one of the wealthy men of New York. Three or four thousand dollars with him would not make a ripple on his bank account. He voted for this bill; the press raised a howl; and he squatted. He wrote a letter donating his back pay to the government. Of course, his letter was not *intended* for publication. He is a christian; and christians are commanded, that in giving alms, the left hand shall not know what the right hand does. But the press gets everything. They got Potter's letter. All his efforts to keep it private proved unavailing; and thus the hidden springs of his pious heart were laid bare to the gaze of a vulgar world. How his sensitive nature must have recoiled from this *unauthorized* publicity given to his little benefactions. But what could he do? An injunction against the newspapers would only have made the matter yet more public. So Potter

"*Suffers in silence and in secret weeps,*"

at the ill manners of the press. Some evil disposed persons have suggested that Potter, being a very wealthy man, could afford to give $3,000 or $4,000 for buncombe; and that he regards this as the best investment of the kind he ever made; and in support of this theory,

they point to the fact that *he voted for this very bill*; and they say that he intended all the time to play a fine piece of demagogism, *and desired to have the money for that purpose voted from the Treasury.* It is true, that if no such appropriation had been made, Mr. Potter could have donated that amount from his own pocket; *and that he is perfectly able to do so,* and having secured the appropriation by his vote, it cost him nothing to *seem to be the almoner of the nation.* But I give no credence to these suspicions. The greatest and best of men in their *grandest and best ways,* are too often suspected of some sinister purpose. This is

——"The spurn
"That patient merit of the unworthy takes."

I am bound to believe that although Mr. Potter voted for this bill, he was suddenly converted by the uproar of the press to believe that he had made a mistake, and that he acted conscientiously and not *ostentatiously* in in donating the money to the government. As his friend I regret that he did not donate a thousand or two more than the back pay that he had voted into his own pocket. But far be it from me to fix the limit to which his generosity shall reach. And so too it must be confessed, that the veriest rascal in the land, Boss Tweed for instance, may deserve better of the people than Clarkson N. Potter, by donating a thousand or two more.

Did Senator Bayard really intend to give the support of his example and opinion, to a principle which fixes upon the brow of his aged father, the brand of "thief." Did Senator Wilson intend to declare that he was a thief in 1856 and in 1866, *when he both voted for and received,* back pay?

And does he mean, by returning his back pay as Senator to the Treasury, to promise that for four years to come, he will not enjoy the benefit of the increase of pay voted subsequent to his election as Vice President? And yet is it not apparent that if he shall receive a dollar of extra pay under the act of the late Congress, as Vice President, he will be doing precisely what he now claims credit for not doing, by refusing his back pay as Senator? He was elected Vice President in November, 1872; the increase of compensation for that

office was voted the 3d of March, 1873. He cannot take a dollar of that increased compensation during his four years term of office as Vice President, without violating the pretended contract, he entered into by being elected in November last. Does General Farnesworth desire to give out the idea that he did anything wrong *in voting* and receiving back pay in 1866? I am satisfied these gentlemen will recoil from the conclusion logically deduceable from their recent conduct.

Why is it that men who voted for, and received back pay in 1856, and in 1866, now refuse to do the same thing? I answer that the Credet Mobilier investigation of last winter so diseased the public mind, and produced such a morbid public morality, that things which are perfectly right, are regarded as wrong; and these men lack the nerve to face a storm even in defense of a principle Henry Wilson and General Farnsworth, and others who voted for back pay in former years, and received it from the Treasury, are now claiming popular approbation for not doing precisely what they had done before. If it is a larceny, or a lesser wrong, to receive back pay for services in the 42d Congress, which these men admit by refusing it, then it was larceny, or a lesser wrong for the same men to receive back pay in 1866.

Washington left the impress of his character upon his own and succeeding generations. Jefferson, Madison, Hamilton and others gave an impulse to public thought, and fixed a standard of public virtue under which we have grown to be a great and happy people. But it was left for Oakes Ames to lift the standard of public virtue clean out of mortal reach and clean out of human sight. Things which viewed in the light of our Saviours teachings, and estimated by the standard of christian morality, are as harmless as the cooings of a dove, are larcenies, *mortal sins*, in the light of 1873, and estimated by the standard of alarm and fright created by Oakes Ames, and the Credet Mobilier investigation. Earthquakes sometimes come and storms sometimes rage; but the earth will not always rock, nor the rains always *fall;* and we may hope that the present sore, fidgety, sickly morality will sometime give place to the manly and healthy virtue taught by the Master of Nazareth.

Waldo, O. H.
(2)

1873, Nov. 22. Gift of Hon. Charles Sumner, of Boston. (H. R. 1820.)

CREDIT MOBILIER AND BACK PAY BILL.

REVIEW OF

Sen. Carpenter's Janesville Speech,

— BY —

Hon. O. H. WALDO.

To the Editor of the Sentinel:

I have read the Janesville speech of Senator Carpenter in defense of the Credit Mobilier and of the salary and back pay bill, and have waited long for some one with more leisure than I can command, to reply. I am surprised—and I think the people are greatly surprised—at the gingerly treatment which the startling views and statements of the Senator have met at the hands of the Republican press You—gentleman of the press—have led us to condemn both the Credit Mobilier and the back pay scheme. You, our leaders of opinion, have, heretofore, brought us up to a high place, overlooking this Sodom, and have taught us to regard its blackness and its corruptions with loathing. You have rendered us all painfully solicitous to find out some defense or paliation for our friends who seemed to be involved; and you have been industrious to afford us the poor comfort of the assurance that if those who are with us are in the mud, those who are against us are also in the mire. And yet, now that we are told by the Senator, openly and contemptuously, that we are all a set of simpletons—crazed by the idle clamor of the press—you are silent; or you speak too faintly to be heard. You even commend the bravery of the great orator in pouring contempt upon us. I wish I could say as much of that quality of bravery as illustrated in the conduct of some of your number.

Are we, then, all beside ourselves? Was the Credit Mobilier an entirely right and justifiable thing?—or a thing (as the Senator insists) that concerns nobody but the Pacific Railroad Company? And is the condemnation of it, on the part of the Government or the people, simply impertinent? Was the increased salary and back pay job a solemn duty under the Constitution?—a duty too that must be performed in order to place our modern statesmen side by side with the patriots of an earlier day? Is there no longer any difference between right and wrong? Is the line between what is honest and what is dishonest—between what is decent and what is ndecent—so dim that we can no longer discern it? Somebody ought to speak out, or we shall all be condemned by default.

I do not impugn the motives of the Senator, or of any man, in or out of Congress, who may think differently from me. But the Senator is a public man, abundantly able to defend himself, when he is right, against all comers; and he takes occasion to present his views and arguments publicly and elaborately, upon subjects of great concern, and he will not take it amiss if, in a spirit of candor, his fellow citizens review his positions. As one humble citizen, with all the respect that belongs to his high position, I differ widely with the Senator, both in my understanding of the facts and in my judgment of the moral character of the transactions in question.

The Senator says the Credit Mobilier was merely a "corporation damned by its mysterious name." He says "it has never taken one dollar from the treasury, nor defrauded the Government one cent, and the panic which has thrown forty millions of people into convulsions is all about nothing at all." He says the Government agreed with the railroad company

that if that company would build the Pacific Road, the Government would give to it a certain quantity of land, and loan to it a certain amount of United States bonds; and the company agreed to pay those bonds when due, and keep the Government harmless against them; that the company did build the road, and did receive the bonds, and it turned out that the work was less costly than either party thought it would be, and so the company made money; and that that is all there is to complain of. He says, in terms, "what the railroad company did with the bonds after receiving them from the Government, whether it gave them away or permitted them to be stolen, was not a matter in which the Government was at all interested. * * * * The company has built the road to the satisfaction of the Government; the Government has accepted the work and delivered its bonds. All this was agreed upon, and this, and only this, has been done" Again, the Senator insists that this is simply such a case as would arise if you were to contract with a builder to build you a house, and should agree to give him forty acres of land, and loan him ten thousand dollars on his note for ten years, and then he inquires, with a tone of triumph. "Suppose it should come to your knowledge that your contractor had been cheated by his sub-contractor, would you consider that that was any business of yours? Would any lawyer tell you that you could bring a suit to redress the wrong which your contractor had suffered at the hands of his contractor, but which had in no way affected you? Again, suppose that while you thought your contractor had been cheated by his sub-contractor, your contractor should not think so, would you still feel called upon to institute a suit to settle a wrong between two other men, when they agreed that no wrong had been committed, and it was certain that you had suffered no wrong? That would be the precise case we are considering"

Once more (holding Congress up to ridicule for making an attempt at judicial investigation of the Credit Mobilier villany), the Senator says: "Congress has directed a suit to determine, first, whether the United States should do what it had agreed to do; second, to determine everything else in which it had no interest whatever—and the Attorney General has entered upon this holy crusade. * * * The suit has no parallel in the judicial annals of any civilized country, and the real question to be determined is, whether the courts are as week in a popular storm as Congress has shown itself to be." Such, in short, is the Senator's position, fairly stated.

Now, I understand the case altogether differently. I do not understand that the Senator makes at all a just representation of the matter, when he likens it to the case where you should bring an impertinent suit to investigate matters between the contractor who builds your house and his sub-contractor, which do not at all concern you, and then says, "that would be the precise case we are considering."

Let me put the case more as I think it is. Suppose, after bargaining with your contractor to build you a house and agreeing to give him forty acres of land, and actually loaning to him $10,000 on his note, you find out that for the purpose of getting rid of repaying to you the money so loaned—for the purpose of putting it out of your power to enforce payment, he is putting all his property out of his hands by a pretended conveyance of it to his son, or to some one else, who will hide it and hold it for him and keep it out of your reach, and you should bring a suit to prevent the fraudulent disposition of your debtor's property for the purpose of defrauding you out of your debt, do you think you would dream that you were impertinently interfering in a matter in which you had no concern? Would you stop your proceedings from a sense of delicacy because your debtor and the son in whose name he was hiding his property had no quarrel, but were perfectly agreed in their plan for cheating you out of your debt?

Or, suppose you sell and deliver ten thousand dollars' worth of goods to a man on credit, and then learn that he is putting all he has, including the very goods he got from you, into the hands of a confederate, to be spirited away out of your reach before your debt becomes due, for the very purpose of cheating you out of your debt, and you should consult the learned Senator as to how you could prevent the consummation of such a villanous scheme, and he should tell you that it would be quite impertinent, and "without a parallel in the judicial annals of any civilized country," for you to interfere with your debtor and his fraudulent confederate, who are conspiring to cheat you, because, forsooth, they do not quarrel with each other, what would you think of such advice? He might tell you there were technical difficulties in your way, but, if he should tell you you had no reason to complain, would you not suspect that he was secretly "retained by the snake?"

Now, what is the exact case in hand? The Government contracted with the Pacific Railroad Company to build a railroad, and agreed to give to the company a vast amount of land as a free gift, out and out—and, at the same time, it loaned and delivered to the company a very large amount of Government bonds. The Senator says the loan was $16,000 per mile; but, though I have not the figures before me, I well remember it was for a great deal more than that. I think that for the first few hundred miles of the road the Government loaned the company $16,000 per mile; for another section or portion of the road, $32,000 per mile; and for the remainder of the distance the enormous sum of $48,000 per mile, making, in the aggregate, fully $10,000,000 more than the Senator's statement would show. However, the amount of the loan is not the most material thing in our present inquiry. It was a loan of many millions of dollars—say sixty millions or more. The company agreed

to pay all those bonds in full at maturity, and make the Government whole in that respect. In the first instance, the Government was to have a lien, like a first mortgage, on the company's entire road. But Oakes Ames soon found ways to persuade Congress to waive that first lien, and permit the company to give a first mortgage (which should be prior to the Government claim) to secure an enormous issue of company bonds—a mortgage sufficient in amount to sweep off the entire property, and to leave the Government without any valuable security. So, the Government, having been wheedled into relinquishing its security, is left to rely upon the bare promise of the company to pay those millions of bonds, and to keep the people harmless against them. Of course, if honestly managed, all of said vast amount of lands and all said Government bonds would go to enrich the company, and to enable it to fulfil that promise. In this state of things, the Government learns the astounding fact that the railroad company has devised and is carrying out another scheme for putting all its property (through a fraudulent sub-contract for building the road) out of its hands into the hands of another corporation, called the Credit Mobilier, which shall distribute and scatter it among the schemers who create and control it; and so, for putting it out of the power of the Government to compel the railroad company to keep its agreement to pay the Government bonds at maturity; and so the people are to be saddled with that debt and swindled to that vast amount!

The Government also learns that the same men who control and manage the railroad company, control and manage also the Credit Mobilier. The Committee say, "all the large stockholders in the Union Pacific were also stockholders in the Credit Mobilier" and so it turns out that the same set of men control and run both boards, and are simply turning this property from one hand to the other — Simply transferring the treasure of the railroad company from one box where it could be reached for payment of the said Government bonds which it borrowed and agreed to pay to another strong box where it is believed it will be out of reach of the Government and of its other creditors. What do you think of that for an honest scheme? Are all the editors fools, and all the people children in a panic or stampede or crazy (as the Senator declares) because they think there is something wrong in all this?

And when Congress orders a suit to attempt to prevent the consummation of this corrupt scheme, and to prevent all the property of the railroad company from being fraudulently turned over to the Credit Mobilier, and, by it, divided up and scattered beyond the reach of the Government, the Senator protests that that is a most impertinent suit, because the railroad company and the Credit Mobilier agree that no wrong is done! Agree, indeed! Why should they not agree? Thieves sometimes disagree with each other; but I believe the left hand of a thief usually agrees with the right hand of the same thief. So here, the same men constitute both the railroad company and the company called the Credit Mobilier. The whole scheme is devised by them. The whole object of the scheme is to get the property of the railroad company (which ought to be kept and applied, so far as is necessary, for that purpose, in payment of the bonds obtained from the Government) into the hands of the Credit Mobilier, where they can safely divide it among themselves. They, as directors of the company called the Credit Mobilier, agree with themselves, as directors of the railroad company, to do this thing. Why, indeed, should they disagree? Is it not an insult to our understandings? Is it not treating us (the people) as though we were children, when the Senator tells us it is very absurd and impertinent for Congress or the people to intermeddle to prevent this fraud, because the railroad company and the Credit Mobilier agree about it?

Consider for a moment how this thing works in practice. The Government creates a railroad company to build the Pacific Road, and provides three sources from which it may raise money to carry on the work and to meet all its obligations.

1. It gives to the company an enormous quantity of lands, out and out.

2. It loans the company a prodigious amount of United States bonds – bonds which sell of a premium in the market, and from which money enough can be instantly raised to build the whole road.

3. It permits the company to mortgage its property to secure an issue of its own bonds to an amount equal to the whole amount of said Government bonds.

The company agrees to pay the Government bonds at maturity. Now, why don't the company go straight forward, sell the Government bonds, build the road with the avails, and keep the bulk of its enormous property, (including its entire road and all the lands so granted to it, which will be of immense value so soon as the road is built) to pay the Government bonds, as it agreed to do? Simply because the schemers, who have the matter in hand, don't intend to pay the Government bonds—and so, they, having control of the railroad company, create another company called the "Credit Mobilier of America," which they also control, and then they cause the railroad company to agree to turn over to the Credit Mobilier all it has, all the lands, all the Government bonds, and all the first mortgage bonds as a pretended price for the building of the road—three prices for the work—a most unconscionable price. And they knew it was an unconscionable price when they agreed to it, for the proof is clear that those rascally schemers considered their Credit Mobilier stocks worth from two to four times its face, almost immediately after that contract was made, So the railroad com-

pany is to have no property left with which to pay the Government bonds, except a railroad which is mortgaged for more than it is worth. All the property is, by this legerdemain, to belong to the Credit Mobilier. But the Credit Mobilier has never promised to pay the Government bonds, and so, it can divide all this vast property as profits among its stockholders, and they are made millionaires, while the people are left to pay these millions of Government bonds. Can the Senator state a more clear and palpable case of corruption and fraud—fraud, too, upon a most stupendous scale?—fraud so gross in its conception, so immense in its extent, and participated in by so many men in high positions of official trust, that the people are, with good reason, amazed and terrified, and cannot conceal their alarm for the safety of Republican institutions in this country. And yet the Senator sees no harm in all this! He insists that the Credit Mobilier has "not defrauded the Government one cent," that the panic of the people is "all about nothing at all," and he ridicules the effort of Congress and of the Attorney General to break up this rotten scheme, and declares that such an effort is without a "parallel in the judicial annals of any civilized country." In my opinion, if the facts shall be proved and the courts cannot find a remedy, we might as well have no courts. On what pretext does he assert that the Government is not defrauded? Why, because, forsooth, the Government bonds are not yet due! But the railroad company has promised to pay them, and it is now seen to be hiding away all its property, so that, when the bonds do become due, the Government can find no means to compel payment, and yet the Senator declares there is no wrong in it. The people must defer all steps to stop it till the bonds are due; that is to say, till the thieves shall have hidden or consumed their plunder. Is this not an insult to the understanding of an intelligent people?

But how is it possible for so able a man and so good a lawyer to defend such an infquitous scheme. Surely, some distorted view has taken possession of his mind. What motive could have led him, when invited, by a body of citizens, simply to speak to them upon the salary and back-pay bill, to drag in the Credit Mobilier, by the head and shoulders, and to volunteer in the defense before the country, of a matter so odious and loathsome and so entirely foreign to the proposed subject of his address, remains a mystery.

I intend to speak courteously but plainly, I speak earnestly, because I feel that the public interest demands that somebody should speak earnestly. I do not undervalue the Senator. His acknowledged abilities and his fame, are, in some sense, a part of the property of the state. His renown should hereafter be a part of the renown of the state. No citizen, however humble, can afford to sit in silence and see him fall into error. He is a leader of opinion. When he errs, he leads multitudes of thoughtless men into fault.

CONGRESSMEN WHO TOOK C. M. STOCK.

The Senator says, "the press frightened Colfax and Patterson into the idea that to own Credit Mobilier stock was criminal,* * * and, so, those men who had, before the investigation, done nothing worthy of censure, are whistled down the wind and wrecked and ruined forever, etc. * * * Had these men faced to the front and said 'yes, we had this stock and had a right to have it,' that would have been the end* * *. The men who were injured by the investigation fell victims to their moral cowardice, and the people were thrown into a panic for absolutely nothing." And, so, it seems the only fault of these men was that they did not "brass it out." All that they lacked was "moral courage." I infer that some of you gentlemen of the press are much of the same opinion. You specially commend the Senator (apparently from a want of anything else in the speech to commend) for bravery in his Janesville speech. I think you are right. It takes a good deal of bravery, of a certain kind, either to do or to defend what is obviously wrong. I presume you must refer to that moral courage that we read of. I have heard of that article (moral courage) before. I have heard of the unscrupulous Government claim agent, whose business required a deal of brave swearing; and who had a clerk named Samuel, who had a special courage and aptitude in the making of affidavits. One day, in the absence of Samuel, the head of the house presented a written statement to a less experienced employee to be sworn to by him. And when this employee hesitated, merely because the statement was not true, he says, "Oh well, you go and call Samuel, he's got the moral courage." I should infer that, in the opinion of some, this thing of moral courage is about all that a man needs in this life. In my opinion, courage to do wrong is a very poor kind of courage, and courage to defend the wrong, with the same facility as one defends the right, is a very poor kind of courage indeed.

Now I will just say, in passing, that I have no idea that all those Congressmen who were supposed to be disagreeably involved, were sinners above all others, any more than those were whom we read of, upon whom the tower of Siloam fell. Indeed, I have a great respect for several of those members of Congress who took C. M. stock—and all the greater respect from the fact that, even after their long experience in public life, they retain still a keen sense of honor, as is shown by their keen and painful sense of shame under the shadow or imputation of dishonor. Their position was a very trying one: They had been induced to take C. M. stock. I have no idea that they all fully perceived the gross impropriety of the act when they took it. They did not take it as a bribe or price for their votes for the land

grant, nor for their votes for the loan of bonds to the Pacific Railroad Company; nor for their votes to subordinate the lien of the United States to the mortgage. All those votes had been given years before they took the stock. They took the stock because their friend Mr. Ames, who was a very rich man, and a man in whose financial skill they had great confidence, offered it to them on extremely favorable terms, and assured them that it was a good thing to have. I presume they did not comprehend (as many intelligent men throughout the country did not) the true relation of the Credit Mobilier to the railroad company or to the Government, at the time when they took the stock. Afterwards, when they began to perceive how crafty Oakes Ames had been, under the guise of friendship; when the fact began to dawn upon them that they were his dupes, and that the Credit Mobilier and its contract to build the railroad was a mere device for concealing and dividing among the Credit Mobilier stockholders the property of the railroad company and for defrauding the Government and people; when they saw that it was very likely that these schemers had been afraid that Congress might be moved to investigate the mysteries of the Credit Mobilier, and to break up the whole fraudulent scheme; when they began dimly to see that Oakes Ames, in view of that danger, had been selling them C. M. stock at one-half or one-quarter of its value—and had been placing such stock all around in Congress, wherever he thought it "would do the most good," etc.; when they discovered that Ames had been acting, with them, upon his shrewd theory of human nature, shown by his remark that he has "found no difficulty in getting men to look after their own property," and that he had managed adroitly to cause each one of them to become interested in the C. M. stock, so that they might be industrious to prevent any investigation, they found themselves in a very embarrassing situation. It was hard to confess that they had been so simple-minded and childlike as not to suspect the motives of Ames at the first; but it was still harder for an honorable man to see the suspicion go forth that he had willingly placed himself in a position to be tempted by a bribe not to do his duty. If they did not do the best thing the case admitted, they did not do the worst. They did not have the hardihood to "face to the front," as the Senator would advise, and say "We had this stock, and had a right to have it." They were not hardened enough for that, but still had a keen sense of the impropriety of their having the stock in the circumstances. Some of them discovered this impropriety earlier than others, but very few of them were so callous (or so courageous, as the Senator would have it), as not to discover it at all.

If the Senator had said, simply, that many congressmen who took Credit Mobilier stock, did so hastily, and in ignorance of the wrong of it, I could cheerfully agree with him. But when he boldly declares that the people have no reason to condemn the Credit Mobilier scheme; when he insists that "what the railroad company did with the bonds after receiving them from the Government, whether it gave them away or permitted them to be stolen, was not a matter in which the Government was at all interested,"—and much more of the same sort—I cannot comprehend his ideas of right and wrong.

I am proud and happy to be assured that neither the Senator nor ony other member of either house, from Wisconsin, is tainted with the infamy of personal participation in the startling and stupendous fraud; and while I am amazed that my learned and brilliant neighbor should volunteer in defense of this palpable iniquity, when seen in others, I am persuaded that his better nature would not permit him to tarnish his own fair name by taking part in such a scheme.

THE SALARY AND BACK PAY BILL.

If you will further indulge me, I wish to say something in relation to the salary bill. In doing so, I shall speak with the utmost kindness and respect for a number of gentleman in Congress who have deserved well of their country—men whom I truly honor and admire, but who, in my opinion, have acted hastily and indiscreetly in this instanbe My whole object, in writing this article, is, to perform the duty of a citizen and a Republican, by uttering a seasonable word, (kindly and courteously, but plainly and intelligibly,) condemning errors and evils which threaten the public welfare. There is ever a strong temptation to deal gently with wrongs and irregularities arising among our own friends—in our own church—our own sect—or our own party; whereas, the only guarantee for perpetuity or safety which any party, in a free country, can have, must be found in the practice of courteous, but independent, full and thorough discussion within its own body. I do not think the main positions of the speech on this subject are tenable.

1. I understand the Senator to insist that the United States Constitution is peremptory in its mandate that Senators and Representatives shall receive compensation for their services, etc., and, under that head, he argues that the main object of that requirement is to compel rich members to take their pay, lest, if they do not, the poor members would feel humiliated by accepting theirs, and would thereby suffer a loss of self-respect and of social position and influence. I conceive such an interpretation of the clause in question to be purely fanciful, not to say ridiculous. I do not imagine that it ever entered into the minds of the framers of the Constitution that there was any such danger that even the rich members would refuse to receive their pay, as to render it necessary to compel them to do so by peremptory enactment; and there is certainly nothing in the subsequent history of the rich members to justify the

accusation against them of unwillingness to receive pay. I think the plain and obvious intent of the provision of the Constitution is to ensure to our law-makers a reasonable compensation, so that no man need be excluded from the public service by reason of his poverty. The Senator insists that it was the positive duty of every member to take the back pay—and he charges those who declined it with a breach of the Constitution, which they have sworn to support. And so, I suppose, if the sore-headed members who had been defeated in the late elections, and had no further hope of congressional honors—joining with others who hold the Senator's views of duty—had passed an act, giving $30,000 to each member for back pay, each one must take the plunder or violate his oath. It would be just as clear a constitutional duty, in that case, to take $30,000, as it was in this to take $3,000 extra out of the treasury. The whole view of that provision is, to my mind, simply preposterous.

HOW ENGLAND PAYS.

2d. The Senator is filled with admiration for the British nation, because they pay their judges so munificently. He says, "It is estimated that a rich nobleman would spend $40,000 a year as Chief Justice of England. Therefore, England pays her Chief Justice $40,000 a year, and her other judges in proportion, with pensions after retiring. And, hence the poorest man in England can sit on the bench, and so the law is administered impartially between the rich and poor." And so, I suppose, the Senator would have us feel that if it is estimated that a very rich man would spend $40,000 a year as United States Senator, then Congress should pay every Senator $40,000 a year out of the treasury, to enable him, during his temporary stay at the capital, to make all the vulgar display of wealth that some very rich man might do. This is certainly a remarkable feature in the British constitution for a plain Republican to select for praise. May the day be far distant when the labor of this free country shall be taxed, as British labor is, to furnish those extravagant revenues to a favored few.

THE OLD SALARY OF $5,000 WAS ENOUGH.

Our Government is a people's government, to be conducted in the interest of the people. It has always been the policy—and it is undoubtedly the true policy—of our popular Government, to order and conduct all its affairs, including the salaries of its servants, upon the basis of Republican simplicity and economy. It is not the aggrandizement of the servants, who are few, but the comfort, thrift and elevation of the people, who are many, that should be the controlling consideration. I agree that the compensation of members of Congress should be reasonable and such as to afford a comfortable maintenance. But $5,000 was a reasonable compensation, especially in an employment which from the Senator's statement, leaves half the time for other lucrative pursuits. It is not so much as Senator Carpenter can earn, but it is a sum on which most men, who have the faintest idea of Republican economy and simplicity, can live well and educate their children. I hazard nothing in the assertion that not one member of Congress in twenty, ever did, or ever will, earn and receive that sum for one whole year's labor, anywhere except in Congress, and a great many of them have never received half that sum. I am not speaking disparagingly of members of Congress. A very large proportion of the most able and useful men who now sit, or have ever sat in either house, are men whose earnings were never so great in any other position. The Senator seems to think a member of Congress should receive as much as he can earn in any other way—or rather, that every member should receive as much as any one member can so earn. Of course the salaries must be uniform. You cannot pay to each man just what he could earn elsewhere. There are a few men in every state (of whom the Senator is one) who can earn more, and to whom service in Congress must be at a pecuniary sacrifice. But because David Dudley Field can earn $100,000 a year in his profession, does it follow that his brother, who is one of the justices of the United States Supreme Court, and each and every other judge of that court, who is or ought to be as good a lawyer as David Dudley, should receive an annual salary of $100,000 from the United States Treasury? Because the Senator, from his own account, can earn from $30,000 to $40,000 a year, practicing law, or Mr. Mitchell, with his capital and his business connections, can realize an annual income of several times that amount, does it follow that every member of Congress should receive an equal amount for his salary?

There is one other thing which I wish to say in all kindness, and I would like to say it in the hearing of every young man in the state. I criticise no man's mode of spending his own money. Let every man do what he will with his own. But when you insist that, because it is graceful for a very rich man to spend his own money freely, therefore every man in Congress should spend the money of the toiling people with the same lavish freedom, I protest. It is not meet that the servant should be so far above his lord. It does not become every poor man, when suddenly transported to a seat in Congress, to emulate, at the public expense, the extravagance of a few men of princely fortunes in their mode of living; but, rather, to think a little of how his toiling masters live, who have honored him with their confidence. I protest against the tone and spirit of your speech, my dear Senator, in that it conveys a most distorted, a most unhealthful idea of the importance and value of lavish expenditure in the matter of style and living—as though character, honor, respect and influence depended on it. The people admire and honor you for the rare abilities

and industry by which you achieve a brilliant career, and it would be only with a very vulgar and unthinking class that that admiration and respect would be materially increased by the splendor of your house or furniture, or table, or equipage. The very phrase, "barbaric splendor" has a well understood significance, because barbarians are specially fond of gold and jewels and display. With barbarians and shoddy men, such things are necessary to the life of a gentleman. Rare culture, real elevation, tends to simplicity Thousands of young men, my dear Sir, hang upon your lips, when you speak. When you magnify the importance of living expensively —when you, publicly, in your captivating manner portray your own habits of liberal living, and especially when you declare to them with apparent earnestness and solemnity, that "if you desire your representative to equal the representatives of other states in influence and power at Washington, then he must live with respect to the habits and customs which are practiced and observed by the representatives of other states; and not to pay a compensation which will enable your representative to live like a gentleman, is. if he be a gentleman, to exclude him from public service, provided he be also a poor man," and more of like tenor, many of these young men will carry away the false degrading and diseased, but indelible impression, that a lavishness of expenditure, quite beyond the reach of nearly all the well-to-do and substantial people whom they know, is essential to one who would aspire to be a useful man in public life. I, therefore, protest against all this as false and pernicious—as a relic of a barbaric, or (to use a modern word) a shoddy taste—a taste for gaudy colors, and diamonds and gold—a vulgar taste, the growth of which, in the last dozen years, is one of the most painful and offensive consequences of the abnormal speculations that grew out of the war I do not charge the Senator with indulging those vulgar tastes himself. He has far too much mental occupation for that But I think, in the eagerness of his argument he does, inadvertently, give a dangerous impulse to the growth of those tastes in the young men of the country.

I protest that it is not true that it is necessary for a representative to live with such slavish respect for the habits and customs of others. I protest against the suggestion that there is necessity for this lavish expenditure, to entitle one to the character and position of gentleman. There is hardly one quality that adds to a man more of the dignity and grace of a gentleman, than the fixed habit of keeping within one's own means, however narrow. The rich man is a fool who does not respect the poor man the more because he has the courage to do that. Does the Senator have in mind the simple lives and thrifty habits of Ben Franklin, of Thos. Jefferson, of the elder and the younger Adams, of Roger Sherman, of Rufus King and their compeers?—or, in later days, of honest John Davis, of John C. Calhoun, of Willie P. Mangum, of John J. Crittenden, of Silas Wright, of Wm. Marcy, of Jacob Collamer, of William Pitt Fessenden, of Wm. H. Seward and of Abraham Lincoln, and a host of other men, who have won honor, perpetuity and renown for their country? Does he mean that those men have failed to command that respect and influence that comes from "living like gentlemen," because they did not start off by taking rooms and meals at Willards, at $400 per month, and end with the necessity of voting themselves increased salaries and back pay, to enable them to balance their bank-accounts? I know very well the Senator does not intend to encourage these false notions—and, if he does so in fact, it is from the hurry of speech—but he is a man whose most careless word may mislead admiring youths.

The Senator is afraid that poor men will be starved out of Congress and the Government given over to the rich. But I submit that the danger is not half so great that good poor men cannot be found to serve in Congress at $5,000 a year, as that bad men, if higher wages be offered, will crowd thither from mercenary rather than from patriotic motives.

THE BACK PAY.

No one doubts that Congress had the Constitutional power to increase their salaries and make the increase reach backward as they did. The question is not whether they had the power, but whether it was a proper, decent and becoming thing to do in the circumstances The Senator seems to think that because good men have, heretofore, in some circumstances, fixed their own salaries for a partly expired term, therefore, it is proper to do the same thing at any time and in any circumstances. The fact is that the propriety and even the decency of almost every act of our lives depends greatly upon the time and circumstances in which it is done. If the ship is on fire in the night, and the peril imminent, you may seize matron or maiden, disrobed and asleep, and bear her, in your arms, out from her room, over the bulwarks, into the life-boat, and your act shall not only bear no shadow of indelicacy, but shall be hailed as heroic, and shall bring to you honor and gratitude; whereas, if you but touch her with the tip of your finger or look upon her face, in certain different circumstances, it might mark you as unworthy the society of a pure woman. So with all our acts. When the first Congress sat under the Constitution, they fixed the salaries of the then sitting members from the necessity of the case. There was no law, and no one else who could make a law such as the Constitution required, to enable the poor members to retain their seats. Mr. Madison, indeed, declared that "to leave Congressmen to regulate their own wages was an indecent thing, and might, in time, prove a dangerous one." But it was so left, and that

first Congress had no choice. Therefore, it was decent and proper for them to do as they did. They fixed the pay at six dollars per day, which, with the average length of the sessions then, would amount to less than one thousand dollars per year. When, in 1856, a period of great inflation had come, and again, in 1866, the extraordinary prices that followed the war, rendered the cost of living so much greater than when the then existing salaries were fixed, that the country was conscious that every man of moderate means in Congress was being impoverished daily by continuing at his post of duty, the people winked at the impropriety of the increase of pay to sitting members. It was improper, but we do not despise a man who steals bread when his children are hungry. But the last case was different. The people and the industries of the country were already unavoidably heavily burdened with debt and taxation. The cost of living had not increased but had very largely diminished since 1866, when the salaries were raised to five thousand dollars The existing salary ($5,000) was ample for the comfortable maintenance of the member with his family. I will not dwell upon the gross inuendo contained in the words—"Members of Congress will have families in Washington. It is better that they should have their own." The existing salaries were such as to place Congressmen in a more independent position, as to the matter of income, than the great bulk of gentlemen in the country who are the peers of the Congressmen in all things. Prudent and thrifty members, it is well known, saved money for a rainy day from their wages. There was no necessity which can be plead in extenuation. There is too much reason for the opinion that the back pay feature was not a mere incident to the bill, carelessly inserted in following precedents, but that it was the feature that carried the bill. If Mr. Madison was right in saying it "was an indecent thing to leave Congressmen to regulate their own wages," was it not in this case, an untimely and an unbecoming thing for Congressmen to raise their own wages for past services as they did?

I will not dwell upon those who opposed the bill but received the money, further than to say, that I regard the position of the member who gave his advice, his vote, and his influence, in good faith, against the measure, and only accepted the pay when it was offered to him under the law (though that law was passed against his judgment and efforts) as very different indeed from that of one w used his utmost exertion and his vote to s cure the coveted prize.

The Senator thinks all this storm of di pleasure at the salary and back pay bill caused by the Credit Mobilier panic and foll Cause is one thing; occasion is another thing though the latter is often mistaken for the fo mer. There is no doubt that the scandalou revelations of the Credit Mobilier investiga tions, together with the enormities of th Tweed administration in New York, the infa my of the Pomeroy briberies in Kansas, an the multiplying and thickening evidences c increasing rottenness and corruption in an about all departments of public administra tion in the nation, in the state, in the county and in the city and towns, and in ever great corporation — have startled an terrified all honest men who love just govern ment, and desire to preserve free institution in this country. In that way the Credit Mo bilier may be in part the occasion, though no by any means the cause of the disgust of th people for the back pay bill. The people ar awakened by these awful revelations, to a con sciousness that the danger of to-day is no slavery, nor disunion, nor nullification, no the tariff, but a more foul disease, the leprosy of greed and dishonesty that is festering in the bones and blood of the body politic. They see that this disease infects the highest and the fairest as well as the lowly—the powerful magnates at the National Capital as well as the miscreants about the Court House. This new sense of danger, this consciousness of imminent and all-prevading peril, does, without doubt, intensify the anxiety of the people when they see that their chosen rulers and law-makers are infected with this all-prevading greed—this hunger for money—which is crazing and corrupting the popular mind and heart. And yet the Senator, flippantly denominates this healthy solicitude of the people, "the present sore. fidgity, sickly morality." "*O Tempora! O Mores!*" Alas for the times and the morals on which we have fallen!

The great question to-day for the Republican party and for the people, is, whether the body politic has remaining constitutional vigor enough to purge this rottenness from its blood. Let me importune the Senator to come, with his splendid powers, to the aid of the people, in this new war against corruption. Let him be the Hercules who shall clean these Augean Stables, and thus bring to himself perpetual gratitude and honor.

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